

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In re Petition of	)	
	)	
MICHIGAN ACCESS, INC.	)	
	)	
Emergency Petition for Waiver of the	)	
Commission's Rules to Designate Michigan	)	
Access an Incumbent Local Exchange Carrier in	)	CC Docket No. 96-45
Two Unserved Areas in Northeast Michigan	)	
	)	
Petition for Waivers of the Commission's Rules to	)	
Allow New Local Exchange Carrier to Participate	)	
in NECA Tariffs and Pools and Obtain	)	
Accelerated USF Support	)	

**REPLY COMMENTS OF MICHIGAN ACCESS, INC.**

Michigan Access, Inc. ("Michigan Access"), through its undersigned counsel, hereby submits these reply comments in the above-captioned proceeding in response to the Commission's public notice requesting comment on Michigan Access's petition for waiver.<sup>1</sup>

**I. INTRODUCTION**

In this proceeding, the Commission is perhaps confronted with an issue of first impression. Three carriers -- Michigan Access, Osirus and Allband -- seek to be designated the incumbent local exchange carrier (ILEC) in remote areas throughout Northeast Michigan, which currently are unserved. Osirus seeks to serve eight

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<sup>1</sup> See Comment Sought on the Petition of Michigan Access, Inc. for Waiver of Commission Rules to Become an Incumbent Local Exchange Carrier in Michigan, to Participate in the National Exchange Carrier Association Pools, and to Receive Accelerated Universal Service Fund Support, CC Docket No. 96-45, Public Notice (rel. Oct. 21, 2009).

unassigned areas.<sup>2</sup> Allband seeks to serve seven of the eight areas also proposed by Osirus.<sup>3</sup> Thus, as between Osirus and Allband, seven areas are “in dispute.”

Michigan Access seeks ILEC designation for only two of the eight unserved areas that are at issue in the Osirus and Allband proceedings.<sup>4</sup> Michigan Access has named these proposed service areas the “Kirtland” and “Red Dog” exchanges. Maps depicting Michigan Access’s proposed service areas are attached hereto as “Attachment A.”

To the extent that Osirus and Allband have raised arguments that address issues that are not directly related to the Kirtland and Red Dog exchanges, Michigan Access expressly declines to comment on those issues and concerns. Specifically, Michigan Access expresses no comment as to whether either Osirus or Allband, or any other carrier, should be designated the ILEC in any area(s) other than the Kirtland and Red Dog exchanges.

In addressing the issues raised in this proceeding, Michigan Access urges the Commission to be guided, first and most importantly, by reaching a decision that is in the public interest, with a particular focus on the best interests of the residents of the Kirtland and Red Dog exchanges. And, the record in this proceeding overwhelmingly demonstrates that the interests of the public are best served by a decision in favor of Michigan Access.

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<sup>2</sup> See Osirus Communications, Inc. Petition for Waivers of the Commission’s Rules to Participate in NECA Pools and Tariffs and to Obtain Accelerated USF Support, CC Docket No. 96-45 (filed Oct. 1, 2007) (Osirus Petition).

<sup>3</sup> See Allband Communications Cooperative, Petition for Waiver of Sections 36.11 and 36.612 and Associated Provisions of the Commission’s Rules, CC Docket No. 96-45 (filed Sept. 5, 2006) (Allband Petition).

<sup>4</sup> See Michigan Access, Inc., Emergency Petition for Waiver of the Commission’s Rules to Designate Michigan Access an Incumbent Local Exchange Carrier in Two Unserved Areas in Northeast Michigan, Petition for Waivers of the Commission’s Rules to Allow New Local Exchange Carrier to Participate in NECA Tariffs and Pools and Obtain Accelerated USF Support, CC Docket No. 96-45 (filed Sept. 30, 2009) (Michigan Access Petition).

Osirus and Allband spend the bulk of their comments addressing the legal, regulatory, and procedural issues related to their respective positions. Yet, remarkably, neither carrier can dispute the fact that Michigan Access has taken the most significant steps to serve the residents of the Kirtland and Red Dog communities. Nor can either carrier challenge the fact that Michigan Access has garnered the unequivocal support of the residents and townships of the communities it seeks to serve.<sup>5</sup>

Michigan Access notes that, once all the regulatory issues before the Michigan Public Service Commission (MPSC) have been resolved, which should occur in the very near future – Michigan Access, Osirus, and Allband – will stand in the same position from a regulatory standpoint. Regardless of which carrier was the “first” to receive regulatory approvals, the fact remains that, at present, no carrier has been designated the ILEC for the Kirtland and Red Dog exchanges. Therefore, Michigan Access urges the Commission to issue a decision regarding incumbent carrier status based on the record before it. The prior and pending proceedings before the MPSC should have no bearing on the analysis required in order for this Commission to reach a decision as to which carrier satisfies the standards for waiver required by the Commission’s rules.

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<sup>5</sup> See Comments of Michigan Access, Inc., CC Docket No. 96-45 (filed Nov. 20, 2009) (attaching letters and petitions in support of its Petition for Waiver) (Michigan Access Comments).

## **II. MICHIGAN ACCESS IS IN THE BEST POSITION TO SERVE THE RESIDENTS OF THE KIRTLAND AND RED DOG EXCHANGES WITHIN A REASONABLE TIME FRAME**

### **A. Michigan Access Has Installed Necessary Facilities**

At present, Michigan Access has installed underground copper to serve 69.5% of the privately-owned parcels in the Kirtland Exchange.<sup>6</sup> Michigan Access made an informed decision to serve the residents of the Kirtland and Red Dog exchanges via underground copper in view of the fact these parcels are not wired for electrical service.<sup>7</sup> In the absence of electricity, it is not possible to serve these residents over Michigan Access' extensive wireless network or via optical fiber.

On this point, Michigan Access takes specific exception to Allband's reference in its comments to a statement on Michigan Access' website that wireless service to all customers who request such service is "sometimes impossible."<sup>8</sup> Allband's attempt to link this statement to a lack of desire or intent on behalf of Michigan Access to serve all customers within its service area is disingenuous. Wireless service to certain areas within Michigan Access's territory, indeed, is impossible, due to factors such as interference from the terrain, such as hills and trees. The impossibility of serving certain customers over a wireless network is a fact that is not unique to Michigan Access. Accordingly, the statement on Michigan Access's website regarding some of the

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<sup>6</sup> The remaining parcels are located several miles from one another in extremely remote, rural areas of Michigan. While Michigan Access desires to serve these additional parcels, it cannot do so in an economically feasible manner in the absence of additional outside funding.

<sup>7</sup> In fact, because many of these residents previously did not have any utilities running to their homes, most of these houses did not have addresses. As further evidence of its commitment to these areas, and as part of its efforts to offer telephone service to these residents, Michigan Access secured addresses for these residents.

<sup>8</sup> See Allband Comments at 6.

technological limitations of wireless service implies nothing with regard to Michigan Access's intent to provide ubiquitous service to these areas.<sup>9</sup>

Remarkably, Allband contrasts Michigan Access' statement that wireless service to certain areas is "sometimes impossible" with Allband's own plans to serve the residents of Kirtland and Red Dog exchanges over a "quality, high-speed fiber to the home network."<sup>10</sup> According to Allband, providing service in this manner is "never 'impossible.'"<sup>11</sup>

Contrary to Allband's assertions, however, Michigan Access is aware that, except in limited circumstances, a fiber-based telephone service would require electrical power. In view of the fact that most of the private parcels within Kirtland and Red Dog exchange do not have access to electrical power, Michigan Access questions how Allband intends to provide a fiber-based telephone service to these customers. Indeed, it is possible that Allband's own entry strategy may be "impossible," thereby making Allband's criticism of the technological limitations associated with wireless service even more striking. Michigan Access's current wireless network, as provided by Michigan Access sister company, M33 Access, is inclusive of both the Kirtland and Red Dog exchanges.<sup>12</sup> If the residents of the Kirtland and Red Dog exchanges were wired for electricity, Michigan Access could have, and indeed would have, extended wireless Internet and voice over Internet protocol (VoIP) services to these customers several years ago.

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<sup>9</sup> Compare Allband Comments at 6.

<sup>10</sup> Allband Comments at 6.

<sup>11</sup> *Id.*

<sup>12</sup> See Michigan Access, <http://www.m33access.com/WirelessCoverageArea.asp>

**B. Michigan Access is Capable of Exchanging Traffic with Adjacent ILECs**

In its comments, Osirus challenges Michigan Access' readiness to serve customers.<sup>13</sup> According to Osirus, "Michigan Access' purported preparedness to serve the unserved areas is...unpersuasive."<sup>14</sup> In support of its own ability to provide service, Osirus notes that it has interconnection agreements with AT&T Michigan, Verizon North, Inc., and Contel of the South, Inc.<sup>15</sup> Osirus further notes that it has been using the network of its affiliate, CynergyComm.Net, Inc. (f/k/a United Telecomm, Inc.), to provide service in Northern Michigan since August 2001.<sup>16</sup>

Contrary to Osirus' assertions, an accurate assessment of Michigan Access' "preparedness" reveals that Michigan Access is more prepared than any other carrier to serve the residents of the Kirtland and Red Dog exchanges. AT&T Michigan ("AT&T") and Verizon, North, Inc. ("Verizon") are the ILECs serving the exchanges immediately adjacent to the Kirtland and Red Dog exchanges. Michigan Access has interconnection agreements with both AT&T and Verizon. In addition, Michigan Access is collocated in six Verizon central offices and one AT&T central office in the exchanges immediately surrounding Kirtland and Red Dog. A map illustrating the central offices in which Michigan Access is collocated is attached hereto as "Attachment B." Finally, through an interconnection agreement with 123Net, Inc., Michigan Access has access to a statewide network. Thus, Michigan Access is a statewide carrier that is operationally ready to serve customers throughout the state of Michigan.

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<sup>13</sup> Osirus Comments at 8.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at 8-9.

To Michigan Access knowledge and belief, neither Osirus nor Allband are collocated in the exchanges immediately adjacent to Kirtland and Red Dog. Moreover, unlike Osirus and Allband, Michigan Access has been serving the areas immediately surrounding Kirtland and Red Dog for several years. In fact, between itself and its sister company, M33 Access, Michigan Access already serves several hundred customers in the exchanges immediately surrounding Kirtland and Red Dog.<sup>17</sup> A illustrative sample of Michigan Access' service area is set forth in "Attachment C."

On the issue of operational readiness, Michigan Access notes that Verizon North, Inc. and Contel of the South, Inc. d/b/a Verizon North Systems (collectively "Verizon") submitted comments to the MPSC in connection with Allband's license expansion application. Although Verizon stated that it did not oppose Allband's application, Verizon noted that it was "not clear how Allband will serve its new local exchanges." More specifically, Verizon noted that it was "not clear from Allband['s] Application that Allband will have the necessary facilities within its service area adjacent to Verizon's exchanges to interconnect with Verizon at the exchange boundaries."<sup>18</sup> Michigan Access similarly questions how Osirus and Allband intend to serve the Kirtland and Red Dog exchanges when neither carrier is collocated with the ILECs serving the adjacent exchanges.

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<sup>17</sup> See Letter from Audrey Glenn, Compliance Partners, LLP, Attorney for Michigan Access, Inc. to Marlene H. Dortch, Secretary, FCC (filed Sept. 18, 2009), at 4 (providing a summary of the services currently provided by Michigan Access and M33 Access in the areas surrounding the proposed Kirtland and Red Dog exchanges).

<sup>18</sup> Verizon Comments, In the Matter of the Application of Allband Communications Cooperative for a Temporary and Permanent License to Provide Basis Local Exchange Service in Seven Unserved Service Territories in Northeast Lower Michigan, Case No. U-15385, (Michigan PSC Oct. 29, 2007) ("Verizon Comments"), at 1-2.

**C. Michigan Access is Licensed to Serve All Exchanges and Zones in the State of Michigan**

Michigan Access was granted authority to provide basic local exchange service throughout the state of Michigan on August 22, 2006.<sup>19</sup> The company began providing telephone services to customers throughout Northeast Michigan almost immediately after its license was granted, and has continuously provided telephone services in this area ever since. Michigan Access has interconnection agreements in place with AT&T and Verizon, and is collocated in one AT&T central office, and six Verizon central offices. Michigan Access currently provides traditional, wireline telephone service to several hundred customers throughout Michigan. In addition, M33 Access, Michigan Access' sister company, provides high-speed Internet access and Voice over Internet Protocol service to numerous residents and businesses throughout Northeast Michigan.

Allband and Osirus each were granted a license to serve customers in several “unserved” areas in Northeast Michigan, including the Kirtland and Red Dog exchanges, nearly two years ago. Yet, to date, these carriers have not commenced service to even a single customer in either the Kirtland or Red Dog exchanges.

Considering that neither Allband nor Osirus has rolled out service to these areas since they were licensed to do so two years ago, Michigan Access believes that neither company should be permitted to stake any claim whatsoever in the “unserved” areas. On this point, language from the Michigan PSC orders granting a license to each carrier is relevant. Both orders include the following language:

[T]he expansion of the license is conditioned upon the provision of service to customers in the added exchanges within a reasonable time. Failure to comply

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<sup>19</sup> Application of Michigan Access, Inc. for Temporary and Permanent Licenses to Provide Local Exchange Services in All Zone and Exchange Areas Throughout the State of Michigan, Case No. U-14896, Opinion and Order (Michigan PSC Aug. 22, 2006) (“Michigan Access License”).

fully with those procedures may result in revocation of the license and other penalties.<sup>20</sup>

Allband's and Osirus' failure to provide any services to any customers in the added exchanges two years after each carrier was granted authority to do so does not satisfy the "within a reasonable time" requirement set forth in the order.

Michigan Access further notes that a license granted under the Michigan Telecommunications Act is premised on a finding by the Michigan PSC that the applicant "intends to provide service within 1 year from the date the license is granted."<sup>21</sup> As noted, in the two years since they received authority to serve several areas in rural Northeast Michigan, neither Allband nor Osirus has provided service to customers in the unserved areas. Therefore, it is clear that neither Allband nor Osirus intended to serve these areas within the one-year timeframe provided under the statute.

Both Osirus and Allband challenge Michigan Access' license to serve the Kirtland and Red Dog exchanges.<sup>22</sup> While both carriers acknowledge that Michigan Access is, in fact, licensed to provide basic local exchange service "in all exchanges and zones throughout the state of Michigan," Osirus and Allband nevertheless claim that Michigan Access' operating authority does not extend to any unserved areas.<sup>23</sup>

As an initial matter, Michigan Access stands in a much different position than Osirus and Allband with respect to its MPSC license. Unlike Osirus and Allband, Michigan Access' permanent license authorizes the company to provide local exchange

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<sup>20</sup> See Allband License Expansion Order at 3; Osirus License Expansion Order at 2.

<sup>21</sup> MICH. COMP. LAWS § 484.2302(1)(a)(2009).

<sup>22</sup> Osirus Comments at 4-5.

<sup>23</sup> Osirus Comments at 4-5; Allband Comments at 7.

service throughout the state. By contrast, both Osirus' and Allband's were initially licensed only for specific service areas. In its initial licensing application, Osirus sought, and was subsequently granted, a license to provide basic local exchange service in the areas served by Verizon and other ILECs.<sup>24</sup> Similarly, Allband's initial license extended only to the Robbs Creek Exchange.<sup>25</sup> Consequently, when Osirus and Allband sought to provide service to areas other than the specific service areas covered by their initial licenses, each carrier was required to file a subsequent application to expand their geographical service areas.<sup>26</sup>

This is not the case for Michigan Access. In its application for a permanent license, Michigan Access requested, and was subsequently granted on August 22, 2006, a license to serve the entire state. Specifically, in the order granting its permanent license, the MPSC granted Michigan Access a license "to provide basic local exchange service in all exchanges and zones throughout the state of Michigan."<sup>27</sup> With respect to the Kirtland and Red Dog exchanges, it is Michigan Access' position that zones and exchanges were created when the MPSC granted on October 9, 2007, Osirus' license to serve eight previously unassigned services areas, including the Kirtland and Red Dog exchanges. Accordingly, by virtue of its license to serve the entire state, Michigan

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<sup>24</sup> See Application of Osirus Communications, Inc. for a License to Provide Basic Local Exchange Service in the Areas Currently Served by Verizon North, Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, CenturyTel of Michigan, Inc., CenturyTel Midwest-Michigan, Inc., CenturyTel of Northern Michigan, Inc., CenturyTel of Upper Michigan, Inc., and SBC Michigan, Case No. U-14494, Opinion and Order (Michigan PSC Aug. 1, 2005).

<sup>25</sup> See Application of Allband Communications Cooperative for a Temporary and Permanent License to Provide Basic Local Exchange Service in the Proposed Robbs Creek Exchange, Case No. U-14200, Opinion and Order (Michigan PSC Dec. 2, 2004).

<sup>26</sup> See Application of Allband Communications Cooperative for a License to Provide Basic Local Exchange Service in Seven Currently Unserved Areas in Alcona, Alpena, Presque Isle, Montmorency, Gladwin, Ogemaw, and Oscoda Counties, Case No. U-15385 (Michigan PSC Nov. 8, 2007); Application of Osirus Communications, Inc. for a License to Provide Basic Local Exchange Services in Eight Currently Unserved Areas in the Lower Peninsula of Michigan, Case No. U-15356, Opinion and Order (Michigan PSC Oct. 9, 2007).

<sup>27</sup> Michigan Access License at 3.

Access was not required to submit a new application to the MPSC in order to serve these areas.

Notwithstanding its position that it currently possesses the authority to serve all zones and exchanges in Michigan, including all eight previously unserved territories, at the request of the MPSC, Michigan Access has submitted an application to expand the geographical service area of its license to include specifically the Kirtland and Red Dog exchanges.<sup>28</sup> Michigan Access expects its application to be granted, and its associated tariff to be approved, in the near future.

**D. Neither Osirus Nor Allband is Entitled To a Priority Position with Respect to the Kirtland and Red Dog Exchanges**

Osirus' basic argument is that it is entitled to ILEC status because it was the first carrier to: (1) apply for and receive from the Michigan Public Service Commission (MPSC) a license to serve the unserved areas; (2) receive the MPSC's designation as an eligible telecommunications carrier; and (3) file a waiver petition with the FCC.<sup>29</sup> Similarly, Allband claims that it is entitled to preferred status because it was the first carrier to apply for, and to subsequently receive, waivers of certain FCC rules.<sup>30</sup>

Osirus' and Allband's arguments that they should be designated the ILEC on the basis that they were "first" is contrary to the public interest, and contradicts the meaning of section 251(h)(2).<sup>31</sup> Importantly, neither Osirus nor Allband has been

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<sup>28</sup> Application of Michigan Access, Inc. to Amend its License by Expanding Geographic Service Area to Include Two Unserved Service Territories, Michigan PSC Case No. U-16137 (filed Nov. 25, 2009).

<sup>29</sup> Osirus Comments at 4.

<sup>30</sup> See Reply Comments of Allband Communications Cooperative, Michigan Access, Inc. Emergency Petition for Waiver of the Commission's Rules to Designate Michigan Access and Incumbent Local Exchange Carrier in Two Unserved Areas in Northeast Michigan, Petition for Waivers of the Commission's Rules to Allow New Local Exchange Carrier to Participate in NECA Tariffs and Pools and Obtain Accelerated USF Support, CC Docket No. 96-45 (filed Nov. 20, 2009) (Allband Comments).

<sup>31</sup> See 47 U.S.C. § 251(h)(2).

designated the ILEC for the Kirtland or Red Dog exchanges. Thus, their claims to any type of preferred or superiority status with respect to these areas is a matter of their subjective self-assessment only.

Assuming *arguendo*, however, that either carrier had already achieved ILEC status, the plain meaning of section 251(h)(2) expressly contemplates that such incumbent status is not indefinite. Section 251(h)(2) provides that:

The Commission may, by rule, provide for the treatment of a local exchange carrier (or class or category thereof) as an incumbent local exchange carrier for purposes of this section if –

- (A) such carrier occupies a position in the market for telephone exchange service within an area that is comparable to the position occupied by a carrier described in [section 251(h)(1)];
- (B) such carrier has substantially replaced an incumbent local exchange carrier described in [section 251(h)(1)]; and
- (C) such treatment is consistent with the public interest, convenience, and necessity and the purposes of this section.<sup>32</sup>

Thus, pursuant to section 251(h)(2), even an ILEC, as that term is defined in section 251(h)(1), could be stripped of such status in certain circumstances. If this is true for an incumbent carrier that was already operational and serving customers, then it certainly is true with respect to a carrier whose “ILEC” status is in the “decisional” or “pending” stage only.

Michigan Access’ petition should be afforded priority status on the basis that it has actually installed underground copper in order to serve 69.5% of the private parcels in the Kirtland exchange. In addition, Michigan Access has interconnection agreements in place with the adjacent ILECs and is collocated in seven adjacent ILEC central offices. To Michigan Access’ knowledge and belief, neither Osirus nor Allband

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<sup>32</sup> 47 U.S.C. § 251(h)(2).

can claim to have achieved any of these steps towards serving customers in the Kirtland and Red Dog exchanges. Specifically, unlike Michigan Access, Osirus and Allband are not collocated in the adjacent ILECs' central offices, and have not installed any facilities in order to serve customers. On this basis alone, Michigan Access should be designated the incumbent carrier for these areas.

Osirus asserts that Michigan Access' petition must be denied because Osirus has already established itself as the ILEC in the Kirtland and Red Dog exchanges.<sup>33</sup> Contrary to its assertions, however, Osirus clearly is not an ILEC as that term is defined in the statute. Moreover, in view of the fact that Osirus' waiver petition remains pending, it has not otherwise been designated an ILEC by the FCC with respect to these areas. Therefore, Osirus' claim that it is the ILEC for the Kirtland and Red Dog exchanges is simply erroneous.

Citing the *WeavTel*<sup>34</sup> and *Adak*<sup>35</sup> orders, Osirus further claims that the Kirtland and Red Dog exchanges became a part of its study area immediately upon the MPSC's approval of its license expansion application.<sup>36</sup> Osirus then maintains that Michigan Access was wrong to assert that the Kirtland and Red Dog exchanges have "never been a part of an existing study area."<sup>37</sup>

Osirus' reliance on the *WeavTel* and *Adak* orders to support its position is misplaced. In the *WeavTel Order*, the Commission concluded that a study area waiver is not required in cases where the proposed service area "has never been previously

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<sup>33</sup> Osirus Comments at 2; *see also id.* at 9 (stating that Osirus "is the ILEC" in the Kirtland and Red Dog exchanges).

<sup>34</sup> *See id.* at 11.

<sup>35</sup> *See id.*

<sup>36</sup> *Id.* at 4, 12.

<sup>37</sup> *Id.* at 12.

served by any certificated LEC or designated ETC.”<sup>38</sup> Although Osirus is a licensed LEC and designed ETC in Michigan, Osirus has *never provided any service* within the Kirtland or Red Dog exchanges. On this basis, Osirus cannot claim that these areas are a part of its “study area.” Indeed, because these areas remain unserved, no “study area” has been established by any carrier. Accordingly, Michigan Access is not required to seek a study area waiver in order to include these areas as part of its own study area.

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<sup>38</sup> See *WeavTel Order* ¶ 6.

### III. CONCLUSION

The record in this proceeding overwhelmingly demonstrates that it is in the public interest to grant Michigan Access' petition:

❖ ***Michigan Access is operationally ready to serve customers within the Kirtland exchange:***

- Michigan Access has installed underground copper within the Kirtland exchange, and is operationally ready to serve 69.5% of the privately-owned land parcels in the Kirtland exchange;
- Michigan Access is collocated in the central offices of seven adjacent exchanges;
- Customers within the unserved areas have already placed orders with Michigan Access;
- Michigan Access intends to fulfill all pending orders for service upon receiving appropriate regulatory approvals and waivers.

❖ ***Michigan Access has the support of the communities it seeks to serve. Michigan Access' petition is supported by:***

- The private landowners, the townships, the Sheriff's department, and the 911 centers within the Kirtland and Red Dog exchanges;<sup>39</sup>
- Members of the Michigan Legislature, including a state representative and the chairman of the telecommunication subcommittee;<sup>40</sup>

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<sup>39</sup> See Michigan Access Comments.

<sup>40</sup> *Id.*

- ❖ *Michigan Access, together with its sister company M33 Access, have been the dominant carriers in the areas surrounding the Kirtland and Red Dog exchanges for over a decade. The companies are growing and are constantly striving to serve the residents of these remote, rural areas. Given the company's commitment to this area, it would be contrary to the public interest to award ILEC status in favor of any carrier other than Michigan Access.*

On the basis of the foregoing, Michigan Access urges the Commission to grant immediately its petition for waiver so that it can begin to serve the customers, and fulfill the orders that have already been placed for its service.

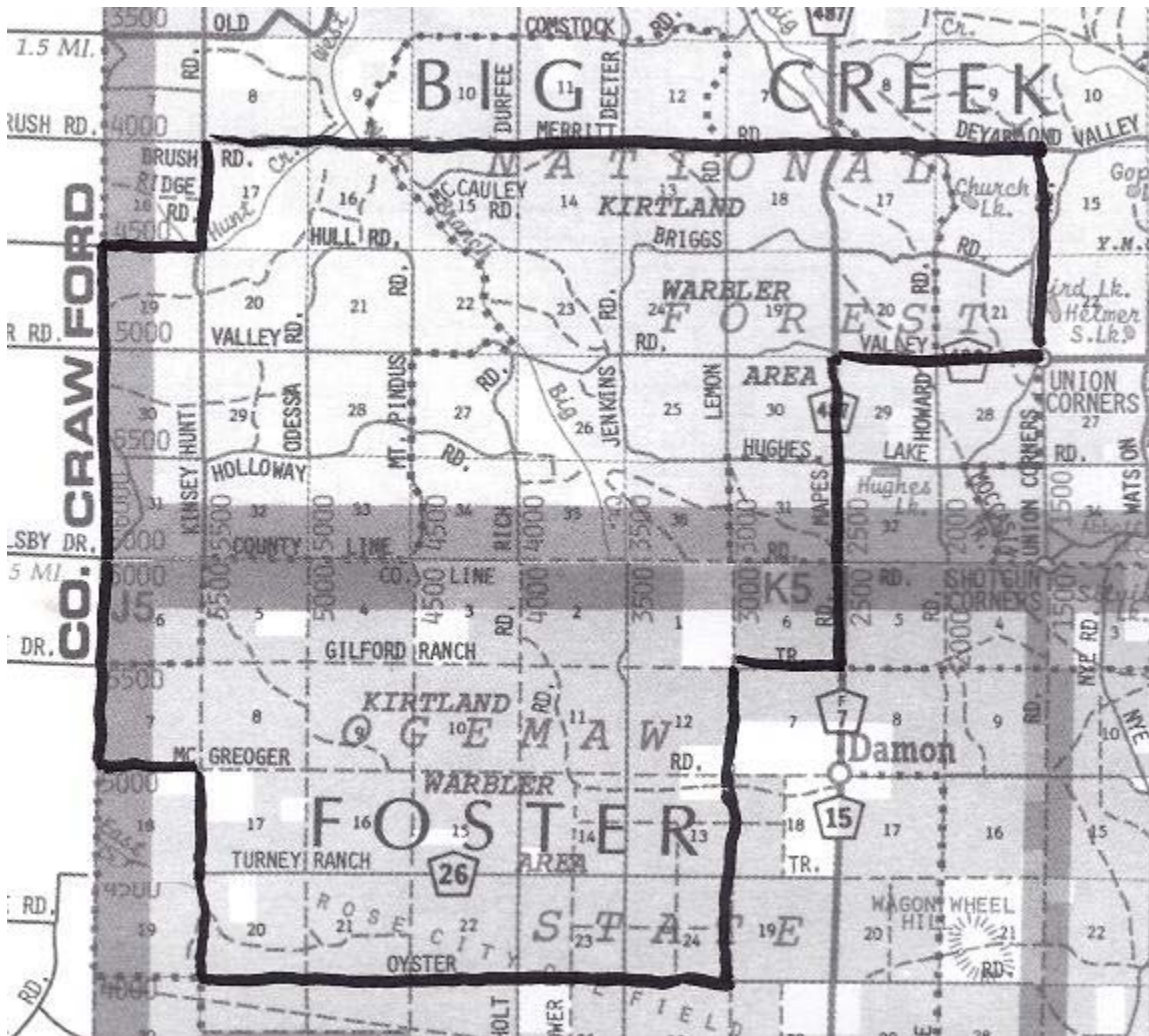
Respectfully submitted,

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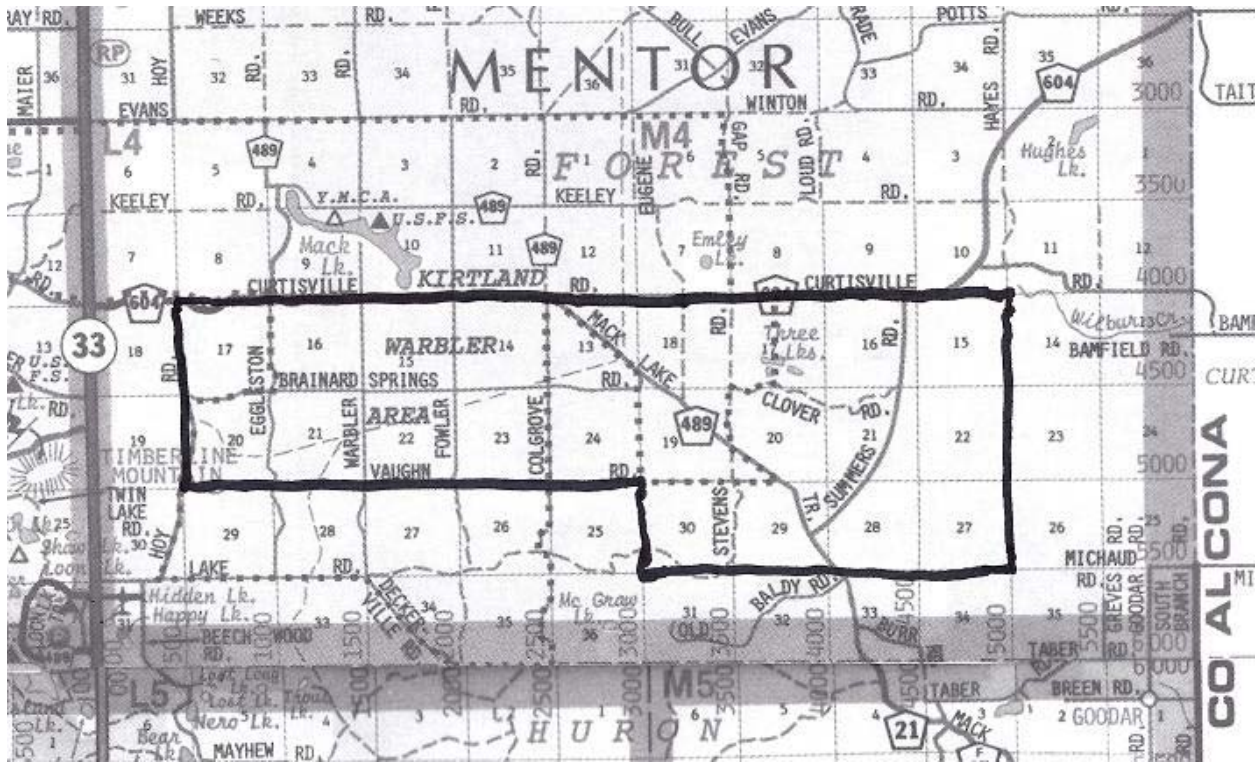
*Attorney for Michigan Access, Inc.*

## Kirtland Exchange Boundaries

**Property Description:**

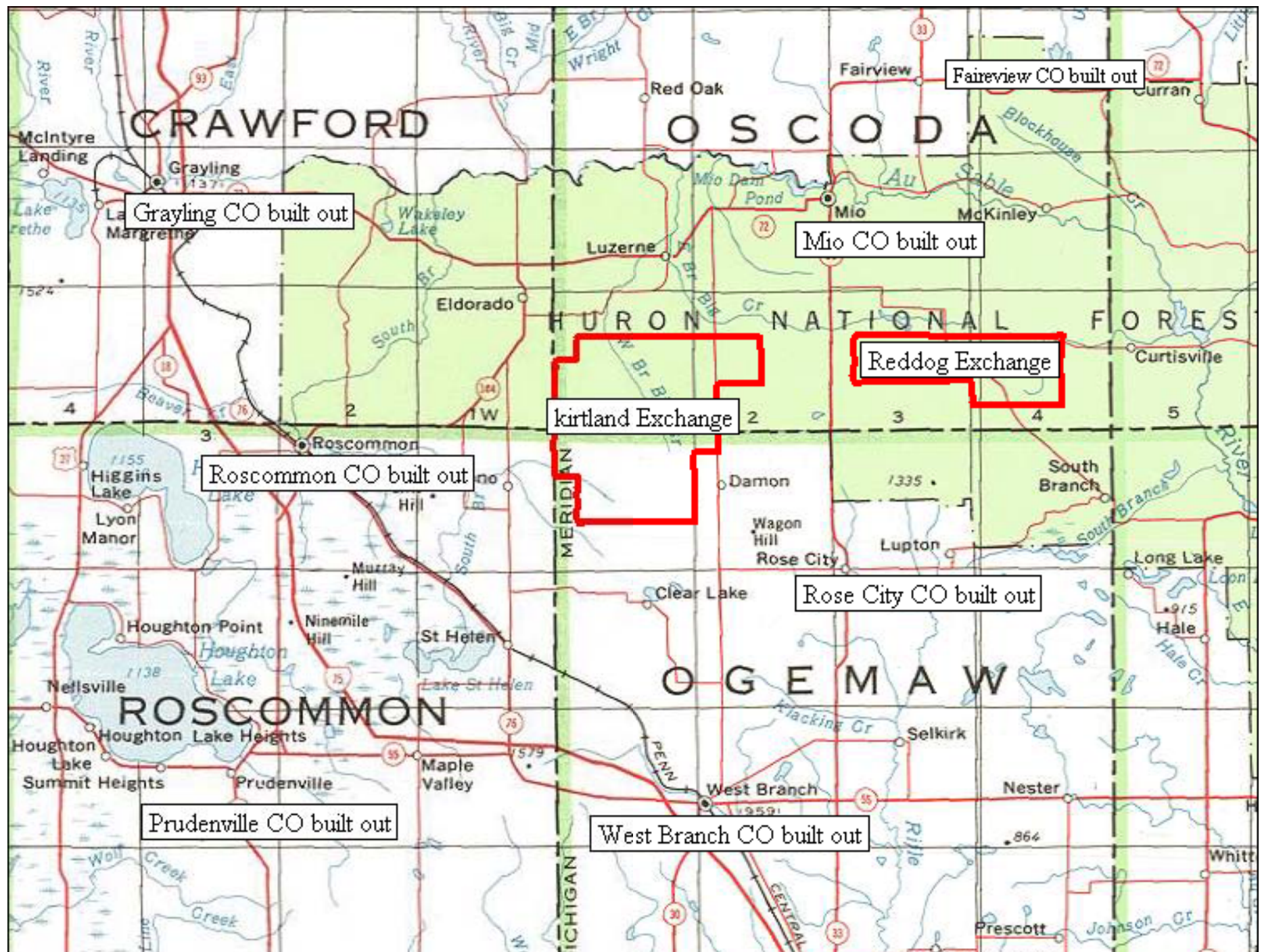
Commencing at the Northeast corner of Section 16, Big Creek Township, T25N-R2E, Oscoda County thence South to the Southeast corner of Section 21, West to the Southwest corner of Section 20 thence South to the Southeast corner of Section 6, Foster Township, T24N-R1E, Ogemaw County, West to the Southwest corner of Section 6, South to the Southwest corner of Section 19, West to the Southwest corner of Section 20, North to the Northwest corner of Section 17, West to the Southwest corner of Section 7, North to the Northwest corner of Section 19, Big Creek Township, T25N-R1E, Oscoda County, East to the Northeast corner of Section 19, North to the Northwest corner of Section 17, East to the point of beginning.

## Red Dog Exchange Boundaries



### Property Description:

Commencing at the Northwest corner of Section 17, Mentor Township, T25N-R3E, Oscoda County, East to the Northeast corner of Section 15, Mentor Township, T25N-R4E, Oscoda County, South to the Southeast corner of Section 27, West to the Southwest corner of Section 30, North to the Northwest corner of Section 30, West to the Southwest corner of Section 20, North to the point of beginning.



# ATTACHMENT C

